

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

D. R. HORTON, INC.

and

MICHAEL CUDA,
an Individual

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) **Case 12-CA-25764**
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**REQUEST BY RESPONDENT FOR EXTENSION OF TIME TO
FILE ANSWERING BRIEF TO COUNSEL FOR THE
ACTING GENERAL COUNSEL'S EXCEPTIONS TO
ADMINISTRATIVE LAW JUDGE'S DECISION**

D.R. Horton, Inc., Respondent herein, by its undersigned counsel, respectfully requests the Board to extend the time within which Respondent is allowed to file its answering brief to the Acting General Counsel's exceptions to the Administrative Law Judge's decision by a period of two (2) weeks, from March 28, 2011, through and including April 11, 2011. The reasons for this request are described below.

1. On January 3, 2011, Administrative Law Judge William N. Cates issued his decision in this case in which he dismissed certain allegations of the complaint against Respondent and found merit to other allegations. As to those allegations to which he found merit, the Administrative Law Judge issued a recommended Order against Respondent.

2. Following the issuance of the Administrative Law Judge's Decision, the Acting General Counsel sought an extension of time to file exceptions to so much of the Decision with which he disagreed. The Acting General Counsel sought an extension of six (6) weeks. The extension was granted in its entirety. Exceptions became due on March 14, 2011.
3. Both the Acting General Counsel and Respondent filed exceptions with the Board on March 14, 2011. Under Board Rule 102.48(d)(1), Respondent's answering brief to Acting General Counsel's exceptions is due March 28, 2011. Due to commitments of Respondent's counsel in other matters, including several other Board matters, Respondent needs and requests an extension of two (2) weeks, from March 28, 2011 through and including April 11, 2011, to file its answering brief herein. Respondent's counsel's other commitments include a Board Section 10(j) action in federal court in West Virginia in which a response to order to show cause and supporting brief is due March 24 (underlying Board Case 9-CA-45772); a position statement due in Board Case 4-CA-37995, on March 28; and a reply brief in a Board case that is pending review in the Sixth Circuit, No. 10-2549, underlying Case 7-CA-51288, which is due March 31.
4. Respondent's undersigned counsel is authorized to state that neither the Charging Party in this matter nor the Acting General Counsel opposes this request.

Respectfully submitted,



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Dated: March 18, 2011

Attorneys for D. R. Horton, Inc.

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CERTIFICATE OF SERVICE

I certify that the Request by Respondent for Extension of Time to File Answering
Brief to Counsel for the Acting General Counsel's Exceptions to Administrative Law Judge's
Decision was served by electronic mail on the following:

John.king@nlrb.gov
RCeller@forthepeople.com
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Bernard P. Jeweler

Dated: March 18, 2011